

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- October 12, 1966

Appeal No. 8945 Herbert Blum et al, Trustees, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on October 17, 1966.

EFFECTIVE DATE OF ORDER - March 20, 1967

ORDERED:

That the appeal for a variance from the requirements of Sections 7303.2 and 7303.3 to permit loading berth 12 x 20 at 1815 H Street, NW., lots 803,804,805,806, square 105, be granted.

FINDINGS OF FACT:

(1) Appellants' property is located in a C-4 District and is improved with a twelve (12) story office building constructed in 1961.

(2) Appellants propose to erect a two-story rear addition to the building with a freight elevator and receiving room. The proposed construction requires removal of the existing required loading berth.

(3) The new proposed loading berth will be of an irregular shape and have a minimum width of seven (7) feet ten (10) inches. The total number of square feet in the new berth will exceed 240 square feet. The berth will be more or less parallel to the existing alley but will not depend upon any portion of the alley except when a vehicle is maneuvering.

(4) Appellants testimony indicates that the proposed addition, requiring relocation of the loading berth, is necessary to handle the increased use anticipated for the National Lawyer's Club which is located on the second floor of the building. The elevator in the addition will service the kitchen. It is anticipated that the new addition will relieve the load on the present elevators servicing the building and eliminate the necessity for double parking in front of the building.

(5) Section 7303.2 of the Zoning Regulations requires that all structures except apartment houses have a loading berth 20 feet deep (the first berth) and all additional berths be 45 feet deep.

(6) Section 7303.3 requires that: "All loading berths shall be 12 feet wide. The first required loading berth may have a vertical clearance of 10 feet and all additional required loading berths shall have a vertical clearance of 14 feet."

(7) No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that appellants have proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owners. The new loading berth of appellants will be a required loading berth as it will be a replacement for the existing berth. The place where the berth must be located has dictated the shape that the berth must take, thus it forms an irregular shape as it must fit catty-corner in the allocated space. However, the berth will exceed the required length and is only less than the required twelve (12) foot depth in a small portion of the berth. Moreover, the new berth will not obstruct or otherwise interfere with traffic in the rear alley.

We are further of the opinion that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps.